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REMARKS

Applicant respectfully requests reconsideration of the above-identified patent application. Claims 41-42, 44-47, 50-52, and 54-56 remain in the application. Claim 41 is amended to include the limitations of previously presented claim 43. Claims 1-40, 43, 48-49 and 53 are cancelled.

I. Interview

Applicant thanks Examiner Chambers for the courtesies extended to Applicant's attorney during the personal interview on October 27, 2008. During the interview, the cited prior art was discussed in view of the claims. The examiner indicated that all of the claims would be allowable if: (1) claim 41 was amended to include the limitations of claim 43 and (2) Applicant filed a Terminal Disclaimer with respect to U.S. Patent No. 7,404,775. Applicant has amended claim 41 accordingly, and has filed a Terminal Disclaimer with this Response.

II. Section 103 Rejection Based on Morrow, Merola and HauteStick

As previously presented, claims 41-42, 44-47, 50-52 and 54-56 were rejected under 35 U.S.C. Section 103(a) as being unpatentable on the basis of Morrow in view of Merola and HauteStick.

As agreed during the interview, Morrow, Merola and HauteStick, either alone or in combination, do not disclose, teach or suggest every element of amended independent claims 41 and 54. In particular, the references do not disclose: (1) a polygonal hollow tube having an asymmetric weight distribution about the longitudinal axis, with a first range of relatively thicker wall thickness

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that extends about 120 degrees about the longitudinal axis (amended independent claim 41) or (2) an octagonal hollow tube having an exterior perimeter that is substantially uniform from one end to the other of the lacrosse handle and an asymmetric weight distribution about a centerline of the tube (claim 54). Applicant further submits that there is no reason why a person of skill in the art would combine or modify Morrow, Merola and HauteStick to achieve the subject matter of claims 1 and 54, because the cited references do not disclose, teach or suggest a handle with a non-uniform wall thickness that creates an asymmetric weight distribution for providing feedback to the user as to the position of the handle and head in the user's hand.

Because the prior art does not disclose, teach or suggest every element of amended independent claims 41 and 54, Applicant submits that they are allowable.

III. Dependent Claims

The dependent claims not previously discussed depend from claims 41 and 54, and are therefore even more clearly allowable.

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IV. Conclusion

In view of the interview, the above amendments and these Remarks, Applicant respectfully submits that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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